

October 10, 2018

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IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA4 B.L., A MINOR, BY AND THROUGH :
5 HER FATHER, LAWRENCE LEVY, : CIVIL NO. 3:17-CV-1734-ARC
6 AND HER MOTHER, BETTY LOU :
LEVY, :
PLAINTIFFS :
:7 V :
8 :
9 MAHANOY AREA SCHOOL DISTRICT, :
: DEFENDANT :
1011
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14 DEPOSITION OF: DR. JOIE GREEN
1516 TAKEN BY: PLAINTIFFS
1718 BEFORE: MARIA N. O'DONNELL, RPR
19 NOTARY PUBLIC
2021 DATE: OCTOBER 10, 2018, 11:12 A.M.
2223 PLACE: MAHANOY AREA SCHOOL DISTRICT
24

EXHIBIT

D - 22

exhibitsticker.com
ONE GOLDEN BEAR DRIVE
MAHANOY CITY, PENNSYLVANIA
25

<p style="text-align: right;">Page 6</p> <p>1 students, staff and tax payer -- well, tax payers of the 2 community. So just probably the main person that is 3 responsible for everything.</p> <p>4 Q Okay. How many years have you been superintendent 5 of the district?</p> <p>6 A Superintendent here since 2010. So eight years.</p> <p>7 Q And what position did you hold previous to that?</p> <p>8 A I was a middle school principal here from 2004 to 9 2010. And then before that, I was a teacher for about fifteen 10 years.</p> <p>11 Q Okay. Could you please look at Exhibit P-3, the 12 district's interrogatory responses. They should be somewhere 13 in the stack.</p> <p>14 A I put them in order for myself.</p> <p>15 Q Okay.</p> <p>16 A Okay.</p> <p>17 MR. BROWN: I think it is P-5.</p> <p>18 BY MS. TACK-HOOPER:</p> <p>19 Q I am sorry, it is P-5. My mistake.</p> <p>20 A Okay.</p> <p>21 Q You signed a verification at the back of this 22 document, is that correct?</p> <p>23 A Yes.</p> <p>24 Q Did you review those responses before they were 25 submitted?</p>	<p>1 you have to, you know, remove B., none of that. So it's 2 basically up to the coaches themselves to determine what the 3 appropriate punishments agree with what. That word punishment 4 is for the child that doesn't follow their rules.</p> <p>5 Q So you were here for Miss Luchetta-Rump's testimony 6 earlier today, right?</p> <p>7 A Yes.</p> <p>8 Q We talked about several parts of the handbook that 9 refer to coaches adopting their own rules for their teams. 10 Correct?</p> <p>11 A Yes.</p> <p>12 Q Okay. So coaches are allowed to make their own 13 rules for their teams?</p> <p>14 A Correct.</p> <p>15 Q Are there any limits on what kind of rules coaches 16 can make for their teams?</p> <p>17 A Well, they have to follow the PIAA rules, obviously 18 that is required. They have to follow the ineligibility list 19 rules as far as grading. But other than that, they can -- you 20 know, they have guidelines. The guideline would be the 21 student handbook, the PIAA. Then they go from there to make 22 their rules.</p> <p>23 Q Have you reviewed the cheerleading rules for the 24 district?</p> <p>25 A Not before this incident. I have never reviewed any</p>
<p style="text-align: right;">Page 7</p> <p>1 A Yes.</p> <p>2 Q And they're accurate?</p> <p>3 A Yes.</p> <p>4 MS. TACK-HOOPER: Okay. Let's mark this P-10. (Defendant's responses to plaintiffs' request for admission produced and marked Deposition Exhibit No. P10.)</p> <p>5 BY MS. TACK-HOOPER:</p> <p>6 Q You have in front of you Exhibit P10, the district's 7 responses to plaintiffs' first request for admissions.</p> <p>8 At the back of this document, you have signed a 9 verification. Did you review this document before it was 10 submitted?</p> <p>11 A Yes.</p> <p>12 Q And are the responses in here accurate?</p> <p>13 A Yes.</p> <p>14 Q Okay. Were Ms. Luchetta-Rump and Ms. Gnall 15 authorized by the school to remove B. from the cheerleading 16 team as punishment for her Snap?</p> <p>17 A I wouldn't say authorized by the school district. 18 Normally what happens is the coaches of various co-curricular 19 activities have their own rules that they follow, and it's up 20 to them to determine what is appropriate for their team and 21 what isn't appropriate for their team. So I wouldn't say that 22 the district authorized them to do that. There was no board 23 approval saying that -- a board ratification saying, you know,</p>	<p style="text-align: right;">Page 9</p> <p>1 rules for any sports before this incident.</p> <p>2 Q Okay. What is your understanding of who reviewed 3 rule -- who reviewed the cheerleading rules?</p> <p>4 A When?</p> <p>5 Q Before they were put into effect.</p> <p>6 A It's my understanding that the cheerleading coaches 7 put their own rules into effect themselves.</p> <p>8 Q Okay.</p> <p>9 A It's not reviewed by the principal unless they have 10 a question about something or something has changed from year 11 to year and they have a question they want to run by the 12 principal, but it is never reviewed with me.</p> <p>13 Q Okay. Let's look at the cheerleading rules. They 14 are Exhibit D3.</p> <p>15 Have you had an opportunity to read these rules at 16 some point?</p> <p>17 A Yes.</p> <p>18 Q Is there anything in these rules that goes beyond 19 what coaches are allowed to do?</p> <p>20 A No.</p> <p>21 Q You heard the coaches testify about what various 22 provisions of these rules mean. Did their explanation of how 23 they apply these rules exceed what they're allowed to do in 24 your opinion?</p> <p>25 A No.</p>

Page 10	Page 12
1 Q Would you say that the coaches had the power to 2 remove B. from the cheerleading team without approval from 3 anyone else? 4 A Yes. 5 Q After B. was punished, her parents had several 6 conversations with district officials asking for 7 reconsideration. Are you aware of this? 8 A Yes. 9 Q The high school principal at the time, Mr. Smith, 10 stood by their decision. Correct? 11 A Yes. 12 Q You stood by their decision, correct? 13 A Yes. 14 Q Athletic Director Cray stood their by their 15 decision? 16 A Yes. 17 Q On June 29th, 2017, Mr. Levy went to the board 18 meeting to discuss this incident. Were you aware of that? 19 A Yes. 20 Q Did the board discuss Brandi's punishment at that 21 meeting? 22 A With Mr. Levy, yes. Her punishment, did you ask? 23 Q Yes. 24 A No. After the meeting was over, he -- they had 25 stated that they were going to take it into consideration.	1 Q Okay. 2 A I don't know if it was messaged through Facebook. 3 It might have been a text message. I am not sure. 4 Q Okay. It was some communication with Mr. Levy? 5 A Correct. 6 Q On August 11, correct? 7 A Yes. 8 Q And you state in there that the school board decided 9 to stand by the coaches. Correct? 10 A Yes. 11 Q Was there -- did the board consider the issue of B's 12 punishment a second time after the June 29th meeting? 13 A I don't know -- I was trying to remember what 14 happened. I don't know if they had discussed supporting the 15 coaches that meeting, or if it was the meeting after that, the 16 July meeting, because I don't understand why it took until 17 August 11th to message Larry to tell him that. 18 Q Okay. 19 A I am not sure what happened there. I don't know if 20 there was a discussion about it. I am not sure. But they had 21 told me to notify him and let him know that they were going to 22 support the coaches. 23 Q Okay. 24 A So that's what I did. 25 Q Okay. Was there any kind of formal vote?
Page 11	Page 13
1 Q Okay. If you look at the interrogatory responses, 2 which are P-5, response No. 3 says that the board took no 3 action on the matter? 4 A Right. The board did not take any action. They did 5 not. 6 MR. BROWN: Did you say that was No. 3? 7 THE WITNESS: She said No. 3. 8 BY MS. TACK-HOOPER: 9 Q Did I get the number wrong? I will find it. Yes, 10 it's at the end of the second paragraph in response to No. 3. 11 The school board took no action on the matter? 12 A Right. 13 Q What does that mean? 14 A They did not have a public meeting about it, a 15 public vote about it. They didn't ratify anything. They 16 didn't -- they just didn't have any -- normally like at a 17 school board meeting, we do motions and approvals, they didn't 18 do that for this situation. 19 MS. TACK-HOOPER: Okay. P-11. 20 (Document, Facebook messages, produced and marked 21 Deposition Exhibit Number P11.) 22 BY MS. TACK-HOOPER: 23 Q You have what's been marked as P11. Is this a 24 Facebook message between you and Mr. Levy? 25 A Yes. Messenger message, yes.	1 A No. 2 Q Okay. Is there any reason in your view why the 3 coaches decision to remove B. from the cheerleading squad as 4 punishment for her Snap should not be attributed to the 5 district? 6 A What? I -- 7 MR. BROWN: Object to the form. 8 THE WITNESS: I don't understand what you mean. 9 BY MS. TACK-HOOPER: 10 Q Sure. When the coaches decided to punish B., that 11 is something that coaches are allowed to do, correct? 12 A Yes. 13 Q They were acting as coaches in the way that all of 14 your coaches act, correct? 15 A Yes. 16 Q Okay. The rules in the handbook say that they get 17 to set rules regarding students' out of school conduct and can 18 punish students for violating those rules, correct? 19 A Yes. 20 Q The coaches did everything the way that you would 21 expect them to handle the situation? 22 A Yes. 23 Q Okay. They weren't going rogue in this situation? 24 A No. 25 Q Okay. All right. And the district ultimately

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14 to 17

<p>Page 14</p> <p>1 decided that the punishment was appropriate, correct?</p> <p>2 MR. BROWN: Objection to the form as far as what you</p> <p>3 mean by district.</p> <p>4 BY MS. TACK-HOOPER:</p> <p>5 Q Okay. The school board ultimately decided that the</p> <p>6 punishment was appropriate, correct?</p> <p>7 A The school board decided that they were going to</p> <p>8 support the coaches' decisions.</p> <p>9 Q Okay.</p> <p>10 A They said that they can't -- that they shouldn't get</p> <p>11 involved in extracurricular activities. That they need -- the</p> <p>12 coaches need to be able to hold their people accountable for</p> <p>13 what they do and don't do.</p> <p>14 Q Sure.</p> <p>15 A So it shouldn't be a board -- it shouldn't -- it</p> <p>16 shouldn't be at the board level.</p> <p>17 Q Right. So coaches should be allowed to make these</p> <p>18 decisions without having to go through the school board or</p> <p>19 other administrators, correct?</p> <p>20 A Coaches should be able to monitor their, I shouldn't</p> <p>21 say student, but that's what they are, monitor them the way</p> <p>22 they see fit for their activity.</p> <p>23 Q Okay. Are there any -- is there any training that</p> <p>24 coaches receive about the limits of their authority to punish</p> <p>25 students?</p>	<p>Page 16</p> <p>1 that the PIAA part of the handbook has to go across the board</p> <p>2 for everybody. You know, it's the rule for PIAA. They can't</p> <p>3 play in a football game if they're averages aren't at a</p> <p>4 certain point, if they're failing a subject like Nicole had</p> <p>5 said.</p> <p>6 Q Right.</p> <p>7 A So it goes hand in hand. So they have that as a</p> <p>8 guide to determine what their rules would be.</p> <p>9 Q Okay. Were there any parts of the handbook that we</p> <p>10 did not discuss this morning that you think someone should</p> <p>11 read in order to understand coaches power to punish their</p> <p>12 players?</p> <p>13 Feel free to go through the exhibits.</p> <p>14 A Just that the important part is the -- is page 78</p> <p>15 through 80, 81 is all of the PIAA information. That's taken</p> <p>16 right from there. So where it says interscholastic athletic</p> <p>17 procedures on the bottom of page 78 all of the way through</p> <p>18 page 81 before the words student counsel, that's everything</p> <p>19 that explains the suspension from a team, their attendance,</p> <p>20 their personal conduct, so on. But other than that, no.</p> <p>21 Q Okay. Just for the record, that was Exhibit P6?</p> <p>22 A P6, yes.</p> <p>23 Q Okay. We also looked at another policy, policy 218,</p> <p>24 which was marked as P-7. Do you -- can you find that one?</p> <p>25 A Yes.</p>
<p>Page 15</p> <p>1 A The training that are required for all coaches are</p> <p>2 through PIAA. And our -- all of our coaches are required to</p> <p>3 do those trainings. As far as if there is one for discipline,</p> <p>4 I am not sure.</p> <p>5 Q Okay. Did -- do school coaches have to notify</p> <p>6 anyone else at the school or the district either before or</p> <p>7 after they punish students?</p> <p>8 A They don't have to put -- we're such a small school,</p> <p>9 that the majority of them do.</p> <p>10 Q Okay.</p> <p>11 A They'll notify the principal or the athletic</p> <p>12 director.</p> <p>13 Q Okay. Are you aware of any coaches ever having been</p> <p>14 reprimanded or disciplined for disciplining students</p> <p>15 improperly?</p> <p>16 A Not that I am aware of, no.</p> <p>17 Q Okay. I'd like to -- we talked this morning about</p> <p>18 the cheerleading rules that the coaches made and also the</p> <p>19 student handbook. How do the cheerleading rules relate to the</p> <p>20 rules in the handbook?</p> <p>21 A So the handbook has part of the -- all of the PIAA</p> <p>22 requirements in it. And so they have to kind of -- one is the</p> <p>23 back hand of the other one. Do you understand what I am</p> <p>24 saying? So they use both of those to determine what would be</p> <p>25 the best appropriate rules for their teams. So I know like --</p>	<p>Page 17</p> <p>1 Q What is this policy?</p> <p>2 A This is a policy for student discipline.</p> <p>3 Q What is the policy? It says at the top book policy</p> <p>4 manual. What is the policy manual?</p> <p>5 A There is a policy manual that is required for all</p> <p>6 school districts. And each of them -- we do ours through the</p> <p>7 Pennsylvania School Boards Association. And this is the</p> <p>8 section 200 of the policy. It is policy 218, which is called</p> <p>9 student discipline.</p> <p>10 Q This is the PSEA's standard policy on student</p> <p>11 discipline?</p> <p>12 A No. PSBA, Pennsylvania School Board Association.</p> <p>13 Q I am sorry, PSBA. Sorry.</p> <p>14 A They recommend a policy to the districts. And then</p> <p>15 we I guess you could say tweak it to how our district is. And</p> <p>16 then our board votes on the policies two times in one month,</p> <p>17 two consecutive months, then it becomes a policy.</p> <p>18 We send it back to PSBA, then they approve it. And</p> <p>19 we post it on our web site.</p> <p>20 Q Okay. And is this a policy that you train</p> <p>21 cheerleading coaches on?</p> <p>22 A I don't train. No, I don't train cheerleading</p> <p>23 coaches on policy, no.</p> <p>24 Q Do you expect your coaches to be familiar with all</p> <p>25 of the districts's policies?</p>

<p>Page 18</p> <p>1 A That's a tough question because it's two fold. I 2 expect the coaches to follow what is in the handbook as far as 3 what they need to do and what they shouldn't be doing.</p> <p>4 The policy itself, there is procedures that are made 5 for each policy. So the policy is the big thing, the big 6 picture. Then there is procedures that we can create based on 7 the policy. And those procedures would be the coaches' rules, 8 PIAA procedures, all of those things. So do they follow the 9 policy, they have to realistically -- I shouldn't say they 10 have to, they need to look at the policy and determine what 11 their rules are and procedures are from that point.</p> <p>12 So once the procedures are established, I would 13 expect them to follow the procedures based on the policy. I 14 hope that makes sense.</p> <p>15 Q I think so. But I am going to show you some more 16 policies.</p> <p>17 A Okay.</p> <p>18 MS. TACK-HOOPER: Twelve, thirteen and fourteen.</p> <p>19 (Policy manual documents produced and marked 20 Deposition Exhibit Numbers 12, 13, and 14.)</p> <p>21 BY MS. TACK-HOOPER:</p> <p>22 Q I have just handed you three more policies, Exhibits 23 P12, P13 and P14. They are policies 122, 123 and 220.</p> <p>24 Do these policies also constrain the types of rules 25 that coaches are allowed to set?</p>	<p>Page 20</p> <p>1 consistent with all of these policies in your view?</p> <p>2 A I don't know. I didn't really sit down and go 3 through to make sure that they are.</p> <p>4 Q Okay. Do you want to take a moment and look at 5 these -- these are four policies that your lawyer has produced 6 in this litigation. Are they policies that you're familiar 7 with?</p> <p>8 A Yes.</p> <p>9 Q Okay. Do you want to take a few minutes and just 10 look at them again?</p> <p>11 A Yes, if you don't mind.</p> <p>12 Q Please take your time.</p> <p>13 A Could you read me your question again?</p> <p>14 Q Sure. In your view, are the cheerleading rules 15 consistent with these district policies?</p> <p>16 A I would say yes.</p> <p>17 Q Okay. So you agree that coaches have the power to 18 remove students from sports or extra-curriculars because of 19 their out-of-school speech?</p> <p>20 A Depending on the situation.</p> <p>21 Q What does that mean?</p> <p>22 A Depending on what the issue is. If -- what is their 23 out-of-school speech? If it's related, directly related to 24 the school district, harms the school, harms any kind of 25 verbal written or something that is going to hurt the school</p>
<p>Page 19</p> <p>1 A Constrain?</p> <p>2 Q Yes. So are these policies that coaches would need 3 to read before writing say their cheerleading rules so that 4 they --</p> <p>5 A Not necessarily. What I mean yes and no. So if -- 6 if the procedures -- if the policy is updated, then yes. But 7 this -- these policies are from 2007, 2012, 2012, and 2007. 8 So the rules and procedures are probably already in effect for 9 these things. So, for example, cheerleading, like we saw, had 10 rules from back in the stone age, and then they moved up. So 11 as the policies were changed, they basically went off of -- as 12 the rules were changed, it was based on most likely the 13 policies. So -- or their procedures might have changed 14 because of something that happened. Like, for example, Nicole 15 had said that the one rule had changed because there was no -- 16 there was no Snapchat back then. You know, so they had to add 17 some type of thing. So things change as they move forward.</p> <p>18 Q Sure.</p> <p>19 A Basically are they supposed to follow the policy?</p> <p>20 Yes. But also they need to up -- like these policies I can 21 tell you currently right now are being updated. So we're in 22 the process right now of updating every single one of our 23 policies with PSBA. So it's kind of a hard question to 24 answer.</p> <p>25 Q Let me ask it this way. Are the cheerleading rules</p>	<p>Page 21</p> <p>1 district, then yes; if it's not, then no.</p> <p>2 Q Okay. So would coaches have the power to adopt a 3 rule that says that you can't swear outside of school because 4 swearing reflects badly on the district?</p> <p>5 A That's a tough one too. I think that if they said 6 -- they were swearing against the organization and that was in 7 their rules, then that would be an issue. But if they were 8 just swearing, I don't think that's an issue. It's an 9 individual case basis.</p> <p>10 Q Okay.</p> <p>11 A You know, just like the SG thing was different than 12 B's. You know, one did something wrong on social media. We 13 addressed it. That punishment was different. B. did 14 something wrong on social media, that punishment was 15 different. So like it depends on the situation itself.</p> <p>16 Q Okay.</p> <p>17 A And based on what they have in their rules.</p> <p>18 Q Okay. But there is nothing about B's punishment 19 that you think went too far and went beyond what coaches 20 should be allowed to do, is that right?</p> <p>21 A Do you mean -- well, if -- no. I think that is 22 right.</p> <p>23 Q Okay. We talked a lot about -- this morning about 24 the nature of Snapchat and the fact that it is different from 25 other social media platforms. In many ways it shares many</p>

<p style="text-align: right;">Page 22</p> <p>1 qualities with say like a large group text. In your view, 2 your coaches have the power to say you can't say disparaging 3 things about the school or about our sport to a large group of 4 people, even if it is not public on line?</p> <p>5 MR. BROWN: I object to the form. But if you 6 understand the question, you can answer.</p> <p>7 THE WITNESS: If it's public on line, and it is a 8 derogatory remark towards their team and that is a rule of 9 theirs, then yes, they have the option to discipline them.</p> <p>10 BY MS. TACK-HOOPER:</p> <p>11 Q Okay. I am talking about a situation that's not 12 public on line. It's a closed group of some sort, either a 13 closed social media group or like a large group chat.</p> <p>14 A If they find out about it, they have the right to 15 discipline the child. If they find out that it is in fact a 16 post, because obviously it wasn't private because everybody 17 else found out about it.</p> <p>18 Q Okay. So in your view, coaches have the power to 19 punish speech that comes into the school in some way even if 20 it wasn't like open to everyone in the public, is that your 21 view?</p> <p>22 A No. I am saying if -- if the speech effects the -- 23 that specific team or group, then yes. An if it's their rule, 24 then yes.</p> <p>25 Q Right.</p>	<p style="text-align: right;">Page 24</p> <p>1 Q Understood. I am trying to understand though if you 2 think your coaches would be allowed to adopt a rule that says 3 if you say to one person outside of school something negative 4 about our sport and I hear about it, I am going to punish you. 5 Would that be allowed?</p> <p>6 A I don't know how to answer that.</p> <p>7 Q Okay. Okay. Has the student handbook changed in 8 the past few years in any way that is relevant to this case?</p> <p>9 A I don't believe so.</p> <p>10 Q Okay. Okay. One of your attorneys said at the 11 preliminary injunction hearing that it's pretty much the same 12 from year to year. Is that an accurate statement in your 13 view?</p> <p>14 A Yes. If a policy updates or procedures update, then 15 they're put in there. But the majority of it is the same.</p> <p>16 Q Okay. What is the most specific written statement 17 that the district has that says that cheerleaders can be 18 punished for saying fuck cheer off campus?</p> <p>19 A What is the most specific statement?</p> <p>20 Q Yes. So we have looked at a lot of policies, parts 21 of the handbook that talked generally about personal conduct 22 outside of school, I am just wondering --</p> <p>23 A There is no one specific answer to that. There is 24 the -- there is a lot of things that would say a cheerleading 25 coach could punish for speech that's outside based on the</p>
<p style="text-align: right;">Page 23</p> <p>1 A They have the right to punish those children.</p> <p>2 Q Okay. So someone could say something outside of 3 school to one other person that could effect a team. You 4 agree with that, right?</p> <p>5 A Uh-huh.</p> <p>6 Q And that one other person they sent it to could tell 7 fifty other people, right?</p> <p>8 A Uh-huh.</p> <p>9 Q I am trying to figure out if that is something that 10 you think that the school could punish, or if there is some 11 kind of line drawn that the district does --</p> <p>12 A I look at it, my own personal view is if you are 13 talking -- if I am talking to you by myself and I am saying to 14 you cheerleading sucks, it's different than posting it on a 15 public forum for everyone to see to get all of the 16 cheerleaders worked up and upset. It happened both times. So 17 like you need to discipline that person because it effected 18 the team itself. If it didn't effect the team, or if it was 19 just a conversation between you and I and no one else knew 20 about it and I was mad at you one day and went up to the coach 21 and said, hey, did you know that so and so said this to me, 22 there is really nothing that you can do about that. To me 23 there is a difference between freedom and speech and throwing 24 a public -- out into a public forum of bashing of your group 25 when you know that that is a rule that you're not able to do.</p>	<p style="text-align: right;">Page 25</p> <p>1 rules in the handbook, based on the rules that they establish, 2 based on the procedures that they establish from the policies, 3 all of that gives them that authority to do that.</p> <p>4 Q Okay. Do other sports teams have rules like the 5 cheerleading rules that restrict athletes' speech when they're 6 not at school or doing school activities?</p> <p>7 A I wouldn't know that, because they don't get their 8 rules approved by me. I do know that some of the sports 9 though have those types of things. But as far as all of them, 10 I don't know.</p> <p>11 Q Okay. Let's look at P-2, the 30 (b) (6) deposition 12 notice with the topics. So the second topic, it's on page A7, 13 is one that you were designated on.</p> <p>14 A Okay.</p> <p>15 Q Subsection A says whether students participating in 16 other high school athletics through the district are subject 17 to restrictions on their out-of-school speech similar to the 18 restrictions on speech imposed on cheerleaders, and if not, 19 why not. Is that a topic you are able to speak about?</p> <p>20 A I can tell you that they -- whether students 21 participate -- I can tell you that if the coach has that rule, 22 they will put -- implement that rule.</p> <p>23 There has not been an issue like this until now. So 24 I don't know of any that have an issue with disciplining the 25 students for speech.</p>

<p>Page 26</p> <p>1 Q Is there anyone in the district who would be more 2 familiar with these rules? Like I think that you mentioned 3 that coaches sometimes will show their rules to the athletic 4 director or the principal.</p> <p>5 A I can -- maybe the principal that was here prior to 6 this, Mr. Smith, but I don't think he's going to be able to 7 help you. Because the only time they would go to them for the 8 rules would be if there was a situation where they needed to 9 throw somebody off a team.</p> <p>10 Q Okay. All right. And the topic B under two on that 11 same document --</p> <p>12 A Yes.</p> <p>13 Q Whether HB, a football player, featured in the Utube 14 video at issue is Loy versus Mahanoy Area School District was 15 subjected to discipline as a result of his out-of-school 16 speech, and if not, why not. Is that something that you're 17 able to talk about?</p> <p>18 A Yes.</p> <p>19 Q Okay.</p> <p>20 A So HB was not a football player when the Utube video 21 for Loy and the Mahanoy Area School District was going on. He 22 wasn't on the team. So he wasn't subjected to discipline.</p> <p>23 Q Is that because it wasn't football season, or he 24 hadn't made the team?</p> <p>25 A It says was he featured in Utube video and was</p>	<p>Page 28</p> <p>1 season, he was not on the team any more?</p> <p>2 THE WITNESS: No. He was not on the team. He was 3 on the team for a few weeks and quit.</p> <p>4 MS. TACK-HOOPER: Got it.</p> <p>5 THE WITNESS: Then never went back on the team 6 again.</p> <p>7 MR. BROWN: The video occurred after.</p> <p>8 THE WITNESS: Right. The video occurred --</p> <p>9 BY MS. TACK-HOOPER:</p> <p>10 Q Are you aware of any -- so I know that you said that 11 you're not familiar with every teams rules. Do you have any 12 reason to believe that any other team has rules that would 13 allow the team to kick a student off for their out-of-school 14 speech?</p> <p>15 A Do I have any knowledge of that, no.</p> <p>16 Q Yes. Okay.</p> <p>17 Okay. Would there be any reason for cheerleaders to 18 be subject to more restrictions on their out-of-school speech 19 than students in other sports?</p> <p>20 A No.</p> <p>21 Q Okay. Okay. You were also designated to speak for 22 the district on topic four, which is about past incidents of 23 disruption caused by out-of-school speech. Is that a topic 24 that you are able to speak about?</p> <p>25 A Yes.</p>
<p>Page 27</p> <p>1 subjected to discipline, he wasn't.</p> <p>2 Q No. I am sorry. You said he wasn't a football 3 player. I am asking you if that's because -- so the video, as 4 I understand it from the other lawsuit, was dated February 7, 5 2017. Is that part of the football season?</p> <p>6 MR. BROWN: Wait. If you can, I think what you are 7 asking, I am just trying to mediate here.</p> <p>8 MS. TACK-HOOPER: Please, yes.</p> <p>9 MR. BROWN: You are asking whether it was -- he was a 10 football player, but it was out of season, or was he already 11 off of the football team, is that --</p> <p>12 MS. TACK-HOOPER: Yes, that's right.</p> <p>13 THE WITNESS: No. He played football his freshman 14 year for approximately a couple -- maybe a couple weeks and 15 quit.</p> <p>16 BY MS. TACK-HOOPER:</p> <p>17 Q I see. Okay.</p> <p>18 A He never went back out again. And he's a senior 19 this year. So he wasn't even on the football team at all 20 during this lawsuit.</p> <p>21 Q Okay. Okay.</p> <p>22 A So it's like it's --</p> <p>23 MR. BROWN: I think we're saying --</p> <p>24 MS. TACK-HOOPER: Sure.</p> <p>25 MR. BROWN: -- it wasn't because it was out of</p>	<p>Page 29</p> <p>1 Q Okay. Were there any past incidents of disruption 2 that would lead someone to believe that B's Snap might disrupt 3 classroom instruction or other school activities?</p> <p>4 A You lost me. Can you say that again?</p> <p>5 Q Sure. Sure.</p> <p>6 A I am trying to follow what you are saying.</p> <p>7 Q What other incidents are you aware of involving 8 disruption caused by a student's out-of-school speech?</p> <p>9 A None.</p> <p>10 Q None in the district?</p> <p>11 A No.</p> <p>12 MS. TACK-HOOPER: Okay. That is all I have.</p> <p>13 Do you have anything?</p> <p>14 BY MR. BROWN:</p> <p>15 Q I just have one question.</p> <p>16 We have been discussing the authority to remove B. 17 from the cheerleading team. Do you believe there is a 18 difference in removing a student from an extracurricular 19 activity, whether it's the sport of cheerleading versus 20 removing a student from their classes by suspension or 21 expulsion?</p> <p>22 A Yes. Absolutely. We don't -- that's a part of the 23 reason why the -- we separate the extracurricular from the 24 academic. So we didn't punish B., say you are suspended from 25 school for, you know, ten days for posting this on Facebook.</p>